

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ZEBULON ENTERPRISES, INC.,  Plaintiff,  v.  DuPAGE COUNTY, ILLINOIS, an Illinois Governmental Entity,  Defendant.
--

Case Number 1:19-cv-05165

Hon. Elaine E. Bucklo  
United States District Judge

Hon. Jeffrey Cole  
United States Magistrate Judge

**JOINT STATUS REPORT**

**[Court's Order of November 15,  
2022]**

**JOINT STATUS REPORT**

Included in the most recent scheduling order from Judge Bucklo (ECF Docket Document No. 145, entered November 15, 2022), the parties were ordered to submit a status report by January 4, 2023. This is in response to that order.

***Update***

As noted previously, the parties believe that they have settled and had drafted a settlement agreement, leaving only a few details to finalize it. However, one component of the settlement is an amendment to the subject ordinance. Defense counsel has drafted that amendment and is in the process of obtaining required staff approval from the Department of Building and Zoning. Once that approval is received, the ordinance must be scheduled for legislative approval, which is constrained by meeting schedules. Further, the holidays have injected some delay into the process.

***Proposed Order***

THEREFORE, the parties respectfully suggest that the court continue its January 11, 2023 status hearing (no appearance required) for approximately sixty (60) days to complete the settlement process, although the parties will notify the court when a settlement agreement is finalized and approved if that takes place (as they hope) before then.

Dated: December 28, 2022.

Clyde DeWitt  
(*Admitted Pro Hac Vice*)  
Nevada State Bar No. 9791  
California State Bar No. 117911  
Texas State Bar No. 05670700  
[clydedewitt@earthlink.net](mailto:clydedewitt@earthlink.net)  
Cathy E. Crosson  
(*Admitted Pro Hac Vice*)  
California State Bar No. 129362  
Law Offices of Clyde DeWitt,  
A Nevada Professional  
Corporation  
2300 W. Sahara Ave., Suite 800  
Las Vegas, NV 89102  
(702) 386-1756

Jeffrey B. Fawell  
Illinois State Bar Number 778753  
[jeff@fawellandassociates.com](mailto:jeff@fawellandassociates.com)  
Fawell & Associates  
311 S. County Farm Road  
Wheaton, IL 60187-2415  
(630) 665-9300

Joined:

/s/ Nicholas V. Alfonso<sup>1</sup>  
Nicholas V. Alfonso

Counsel for Defendant, DuPage County, Illinois

Respectfully Submitted,

CLYDE DeWITT  
LAW OFFICES OF CLYDE DeWITT,  
APC

JEFFREY B. FAWELL  
FAWELL AND ASSOCIATES

WAYNE B. GIAMPIETRO  
POLTROCK & GIAMPIETRO

By: /s/ Clyde DeWitt  
Clyde DeWitt

Counsel for Counsel for Plaintiff,  
Zebulon Enterprises, Inc.

Wayne B. Giampietro  
Illinois State Bar No. 0947776  
[wgiampietro@giampietrolaw.com](mailto:wgiampietro@giampietrolaw.com)  
Poltrock & Giampietro  
123 W. Madison St., Suite 1300  
Chicago, IL. 60602  
(312) 236-0606

---

<sup>1</sup> Signature authorized by email on December 28, 2022.

### **CERTIFICATE OF SERVICE**

I certify that on the date of the filing of the foregoing document, as reflected on the header inserted by the court's ECF/PACER system, a true and correct copy of it is being served upon each attorney of record in the above-captioned matter; and the original upon the Clerk of Court by way of the court's ECF/PACER system.

Signed this date: December 28, 2022.

/s/ Clyde DeWitt  
Clyde DeWitt